

FILED

JUN 07 2005

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

In re:) Chapter 13
KIMBERLY NOEL SORKILMO,)
Debtor.) No. 2-04-bk-20416-JMM
KIMBERLY NOEL SORKILMO,) Adversary No. 2-05-ap-00311-JMM
Plaintiff,) **ORDER RE: MOTION TO DISMISS**
vs.) (Opinion to be Posted)
COUNTRYWIDE HOME LOANS, INC.,)
Defendant.)

The Debtor filed an adversary complaint on April 21, 2005. However, other than a single sentence, the complaint describes no facts upon which the court could provide relief. Of equal importance, the complaint does not set forth the bases for the Debtor's complaint against defendant Countrywide, and therefore Countrywide cannot formulate an adequate answer to the allegations. On that basis, Countrywide has filed a motion to dismiss, to which the Debtor objects.

The court feels that the defendant's motion should more properly be treated as a motion for definite statement. FED. R. BANKR. P. 7012 (FED. R. CIV. P. 12(e).)

Accordingly, IT IS ORDERED:

1. That the plaintiff/Debtor shall file an amended complaint, specifically describing the facts upon which she desires relief as against Countrywide;
2. Additionally, the Debtor shall specifically set forth what relief she seeks against Countrywide; and

1 3. The amended complaint must be filed within 15 days of the date of this order and
2 served by mail upon Countrywide's attorney, or, in the event plaintiff fails to
3 comply, defendant shall lodge with the court, and serve upon the plaintiff/Debtor
4 an order dismissing the adversary proceeding.

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6 DATED: June 7, 2005.

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8 
9 JAMES M. MARLAR
 UNITED STATES BANKRUPTCY JUDGE

10 COPIES served as indicated below this 8
11 day of June, 2005, upon:

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24 Judicial Assistant